

REMARKS

Applicants appreciate the time and effort spent by the Examiner in discussing Paper No. 14 over the telephone, and specifically the §112 rejections.

I. REJECTIONS UNDER 35 U.S.C. SECTION 112

The Examiner has rejected Claims 40, 49, 55, 61, and 62 under 35 U.S.C. § 112, first paragraph. More specifically, the Examiner asserts that the phrase "the message does not include a phone number and an identity of a calling party" of the claims is not disclosed by this Specification. The Examiner asserts that a caller could leave a voicemail message that included their name and phone number, and this voice message would then be converted and sent as data to the analog phone. Applicants respectfully traverse this rejection.

* As explained by Applicants' attorney with the Examiner over the telephone, the specification of the present invention does support these claim limitations. Page 26, lines 14-21 describe a process whereby a digital message is formatted and converted to tones using the caller ID modems, and this text message is then sent to the analog phone 1300 for display. Specification, page 27, lines 1-2. There is no discussion that a voice message left by a caller is digitized, and then this digitized message is sent through the caller ID modems to the analog phone for display, as the Examiner has intimated. Instead, predetermined messages, such as "New Message," are sent to the display in response to the receipt of a voicemail message being stored in the telephone system. Therefore again, Applicants respectfully assert that the claims now recite limitations that are supported within the Specification.

* Furthermore, Applicants respectfully assert that the Examiner has issued a premature Final Rejection in that the Examiner has issued a new § 112 rejection of these claims. Claims 40, 49, and 55 merely incorporate claim limitations from dependent claims 43, 53, and 56, respectively, which were previously presented before the Examiner. Essentially, the definition of "typical caller ID information" within these dependent claims has been used to replace the "typical caller ID information" language in the independent claims. For example, Claim 40 previously recited that "the message does not include typical caller ID information." Claim 43 previously recited that the "typical caller ID information includes a phone number and an identity of a calling party." By replacing

"typical caller ID information" in Claim 40 with "a phone number of an identity of a calling party," Applicants have not changed the scope of Claim 43 (amended Claim 40). Since the Examiner has issued a new § 112 rejection of these claims, the Examiner cannot make the rejection final without giving Applicants an opportunity to respond to this new rejection.

Furthermore, Applicants amended Claims 40, 49 and 55 (and added Claims 61 and 62) in response to a discussion with the Examiner over the telephone. Applicants pointed out in the previous response that the Examiner had agreed to these claim limitations in that telephone conference. See Page 10 of Applicants' previous response. Applicants respectfully assert that it is unfair for the Examiner to now issue a new rejection of these claims in view of the fact that the Examiner had agreed over the phone to the claim amendments.

II. REJECTIONS UNDER 35 U.S.C. 103

Applicants respectfully incorporate all of their assertions in the previous amendment, filed in response to Paper No. 11, and that such arguments overcome the § 103 rejections.

III. Applicants would greatly appreciate it if the Examiner would call Applicants' attorney should the Examiner have any further issues or comments.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.
Attorneys for Applicant

By: 

Kelly K. Kordzik
Reg. No. 36,571

5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270-2199
(512) 370-2851